

**MINUTES OF THE COMMON COUNCIL  
IN SPECIAL SESSION  
October 1, 2013**

A Special Session of the Winchester Common Council was held on Tuesday, October 1, 2013 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 8:04 p.m.

**PRESENT:** Councilor Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)  
**ABSENT:** Councilor Jeff Buettner (1)

**2.0 AGENDA**

**2.1 O-2013-32:** First Reading: AN ORDINANCE TO AUTHORZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTIES (*Acquisition of properties for the construction of a bridge over the railroad and extension of Monticello Street*)(pages 2-30)

**2.2 Motion** to correct a scrivener's error pertaining to R-2013-43 regarding the application for the SAFER Grant approved on September 10, 2013 (pages 31-33)

Vice-Mayor Veach moved to correct the scrivener's error pertaining to R-2013-43 regarding the SAFER Grant application. The motion was seconded by Councilor Clark then approved 8/0.

**3.0 EXECUTIVE SESSION**

**3.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY ON MATTERS OF ACTUAL OR PROBABLE LITIGATION**

Vice-President McInturff moved to convene into executive session at 8:11 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Mayor Minor moved to reconvene in open session at 8:31 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Absent
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

City Attorney Anthony Williams stated for clarification it was mentioned during the discussion on the radio tower in the previous meeting that the determination that the materials in the construction of the tower were taxable resulting in a potential \$120,000 in the cost of the project. The fact of the matter is the Commissioner of the Revenue makes determinations with regard to what is taxable and what is not taxable. He does concur with her determination in this matter but it should have no practical impact on the amount that was bid and accepted by the City with regard to this project as the vendor has simply been requested to comply with the law and pay the taxes that are due during construction.

#### **4.0 ADJOURNMENT**

Councilor Weber moved to adjourn the meeting at 8:33 p.m. *The motion was seconded by Councilor Hill then approved 8/0.*

---

Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council